

# EXHIBIT "A"



PLEASE REPLY TO: Exton  
WRITER'S E-MAIL: kmckenna@ldylaw.com

August 14, 2009

Via Electronic and First Class Mail

Richard F. Engel, Esquire  
Chief Deputy Attorney General  
Cost Recovery/Natural Resource Damages Section  
Hughes Justice Complex - 7<sup>th</sup> Floor  
P. O. Box 093  
Trenton, NJ 08625-0093

**Re: In re: Shapes/Arch Holdings LLC, et al.  
United States Bankruptcy Court for the District of New Jersey  
Case No.: 08-14631 (GMB)  
Chapter 11 Jointly Administered  
Our File No.: 697-05**

Dear Mr. Engel:

As you know, the Scheduling Order in this matter established September 15, 2009 as the deadline for completion of written discovery.

On July 13, 2009, our office served you with Debtors' Interrogatories, Requests for Production of Documents and Things and Requests for Admission directed to New Jersey Department of Environmental Protection (the "Department") with regards to the above referenced matter. Pursuant to the applicable Federal Rules of Bankruptcy Procedure, (the "Bankruptcy Rules"), the deadline for responses to this discovery was Wednesday, August 12, 2009.

To date, our office has not received responses to any of the discovery and in accordance with Bankruptcy Rule 7036(a)(3), the matters set forth in the Requests for Admission are now deemed admitted.

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-2444

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

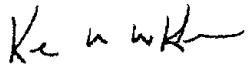
Maryland Telephone: (410) 727-2810

Richard F. Engel, Esquire  
Chief Deputy Attorney General  
August 14, 2009  
Page 2

Due to the approaching discovery deadline, we must insist that you contact us by August 18, 2009 and arrange for the delivery of full and complete responses to the Interrogatories and Requests for Production. If we do not hear from you on or before that date, we intend to file a motion to compel the Department's responses to such discovery.

We appreciate your prompt attention to this matter.

Sincerely,



Kevin M. McKenna

KMM/jfs  
cc: Robert Neilson (via Electronic Mail)

# **EXHIBIT "B"**



PLEASE REPLY TO: Exton  
WRITER'S E-MAIL: [kmckenna@ldylaw.com](mailto:kmckenna@ldylaw.com)

August 20, 2009

Via Electronic and First Class Mail

Richard F. Engel, Esquire  
Chief, Deputy Attorney General  
Cost Recovery/Natural Resource Damages Section  
Hughes Justice Complex - 7<sup>th</sup> Floor  
P. O. Box 093  
Trenton, NJ 08625-0093

**Re: In re: Shapes/Arch Holdings LLC, et al.**  
**United States Bankruptcy Court for the District of New Jersey**  
**Case No.: 08-14631 (GMB)**  
**Chapter 11 Jointly Administered**  
**Our File No.: 458-04**

Dear Mr. Engel:

This will confirm our telephone conversation yesterday, regarding the discovery in the above captioned matter. On behalf of the Debtors, I called you to inquire as to the status of the overdue discovery responses of the New Jersey Department of Environmental Protection (NJDEP), which were due on August 13, 2009. You advised me that health issues in your family and with personnel in your section at the NJDEP had prevented you from providing the Debtors with discovery responses. I stated that the Debtors' position was that its Request for Admissions had been deemed admitted since no timely answers were received from the NJDEP.

However, subject to obtaining my clients authority, the Debtors may be willing to extend all deadlines contained in the Court's Scheduling Order to allow you time to provide responses to Interrogatories and Requests For Production of Documents and Other Things. Subject to obtaining my clients' approval, the Debtors involved agree to extend all deadlines by 90 days to allow you time to provide responses to Interrogatories and Document Requests provided that the NJDEP

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-2444

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810

Richard F. Engel, Esquire  
Chief, Deputy Attorney General  
August 20, 2009  
Page 2

serves the Debtors with their discovery responses no later than October 1, 2009. You also advised that you would provide an Affidavit regarding the health issues. Subject to my clients' approval, we will file a Motion with the Court to extend all deadlines as outlined above and in the alternative to Compel Discovery.

Thank you for your cooperation.

Sincerely,



Kevin M. McKenna

KMM/jfs  
cc: Robert Neilson (via Electronic Mail)

# EXHIBIT "C"



PLEASE REPLY TO: Exton  
WRITER'S E- MAIL: [kmckenna@ldylaw.com](mailto:kmckenna@ldylaw.com)

August 24, 2009

Via Electronic and First Class Mail

Richard F. Engel, Esquire  
Chief, Deputy Attorney General  
Cost Recovery/Natural Resource Damages Section  
Hughes Justice Complex - 7<sup>th</sup> Floor  
P. O. Box 093  
Trenton, NJ 08625-0093

Re: **In re: Shapes/Arch Holdings LLC, et al.**  
**United States Bankruptcy Court for the District of New Jersey**  
**Case No.: 08-14631 (GMB)**  
**Chapter 11 Jointly Administered**  
**Our File No.: 458-04**

Dear Mr. Engel:

This will confirm our telephone conversation on Friday, August 21, 2009, wherein the Debtors will consent to the request of the NJDEP for a 90 day extension of all deadlines in the current scheduling Order provided that the NJDEP shall serve answers to Interrogatories and Request For Production of Documents and Other Things no later than October 1, 2010 (This previous offer was without prejudice and subject to confidentiality pursuant to the Federal and New Jersey Rules of Civil Procedures for settlement negotiations).

In light of the September 15, 2009 deadline for written discovery I intend to file the motion this week.

Thank you for your attention to this matter.

Sincerely,

Kevin M. McKenna

KMM/jfs

cc: Robert Neilson (via Electronic Mail)

350 Eagleview Boulevard, Suite 100 • Exton, PA 19341 • (610) 524-8454 • FAX (610) 524-9383

1700 Bent Creek Boulevard, Suite 140 • Mechanicsburg, PA 17050 • (717) 620-2424 • FAX (717) 620-2444

3000 Atrium Way, Suite 251 • Mt. Laurel, NJ 08054 • (856) 231-5351 • FAX (856) 231-5341

Maryland Telephone: (410) 727-2810